

CHAPTER 4.24

LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD

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4.24.010 Lincoln Electric System Administrative Board Created; Members; Appointment.

There is hereby created an administrative board to be known as the Lincoln Electric System Administrative Board consisting of nine members who shall be selected from the service area of the Lincoln Electric System. The Mayor shall, after consultation with the City Council, who may make recommendations for appointment, submit the names of nominees for selection as members of the Lincoln Electric System Administrative Board. Such nominees shall be confirmed by a majority vote of the City Council. In the event that such nominees shall fail to receive the majority vote of the City Council, the City Council shall thereupon nominate and confirm nominees to serve as members of the board of the Lincoln Electric System Administrative Board upon receiving five affirmative votes of the City Council whose principal function shall be to administer the Lincoln Electric System of the City of Lincoln. Pursuant to the general powers granted by the City of Lincoln Charter, Article II, § 1 and pursuant to the requirements of City of Lincoln Charter, Article IV § 25, the Lincoln Electric System Administrative Board is assigned the responsibility for the control and management of the property, personnel, facilities and equipment, and finances of the Lincoln Electric System in accordance with the provisions of this chapter. The Lincoln Electric System Administrative Board shall appoint a manager, subject to approval by the Mayor by executive order and the City Council by resolution. In the event that the Mayor does not approve the appointment of a manager by the Lincoln Electric System Administrative Board, the City Council may by a vote of not less than five of its members approve the appointment of the manager. Once approved, a manager may not be discharged by the Administrative Board without the approval of the Mayor by executive order and a majority vote of the City Council by resolution. In the event that the Mayor does not approve said removal by executive order, the City Council may by vote of at least five of its members approve the action of the Lincoln Electric System Administrative Board in removing the manager.

All actions of the Lincoln Electric System Administrative Board, except those involving expenditures of funds which have previously been allocated in the budget submitted by the Administrative Board to the City Council and approved by the City Council, shall be subject to veto by the Mayor in the manner and subject to the limitations hereinafter provided. Within forty-eight hours after the adjournment of any Administrative Board meeting, the secretary shall present to the Mayor all actions and resolutions adopted at the meeting, except those taken pursuant to funds previously appropriated by the City Council. All actions of the Administrative Board so submitted by the secretary to the Mayor shall be deemed approved unless the Mayor shall, within seven days after receipt of such action, return it to the secretary with the Mayor's veto; provided, further, however, the Mayor may approve such action sooner, in which case the Mayor's right to veto shall be deemed waived. Actions of the Administrative Board vetoed by the Mayor shall be considered by the council at its next regular meeting, and the City Council may override the Mayor's veto as is provided for the overriding of the Mayor's veto of ordinances or resolutions adopted by the City Council. (Ord. 17103 §1; December 2, 1996: prior Ord. 15434 §1; February 12, 1990: P.C. §2.55.010: Ord. 12769 §1; November 19, 1979: Ord. 11539 §1; December 22, 1975: Ord. 10042 §1-3; September 8, 1970, adopted by referendum on November 3, 1970).

4.24.020 Terms.

Terms of each member of the Administrative Board shall be three years unless such appointment is to fill an unexpired term, in which case such appointment shall coincide with the expired term to be filled. No member may be appointed for more than three successive terms and no member may be reappointed at the conclusion of three terms or until three years from the expiration of the member's last term shall have passed. No member who has served three consecutive terms may be appointed to fill an unexpired term until three years have expired from the date of the termination of his last term. (Ord. 17103 §2; December 2, 1996: prior Ord. 15434 §2; February 12, 1990: P.C. §2.55.020: Ord. 10081 §1; November 30, 1970).

4.24.030 Vacancies on Board; Appointments.

Appointments to fill vacancies on the Board shall be made and approved in the same manner as original appointments are made and approved and shall expire at the end of the term of which the appointment shall be made. (Ord. 15434 §3; February 12, 1990: P.C. §2.55.030: Ord. 10081 §2; November 30, 1970).

4.24.040 Removal of Board Members by Council.

Any members of the Lincoln Electric System Administrative Board may be removed from office by no less than five affirmative votes of the Mayor and members of the City Council for malfeasance or nonfeasance of office or for any cause that renders the member ineligible to office or incapable or unfit to discharge the duties thereof. (Ord. 15434 §4; February 12, 1990: P.C. §2.55.040: Ord. 10081 §3; November 30, 1970).

4.24.050 Organization of the Board.

The Lincoln Electric System Administrative Board shall annually elect its chairperson and such other officers as it desires from among its members and shall establish its own rules of procedure for the conduct of such meetings. The Board shall hold at least one regular meeting each calendar month. A special meeting may be called by the chairperson or in the absence of the chairperson, by such other officers that may be designated by the Board or by any three members upon written request. Five members of the Board shall constitute a quorum for the transaction of business and five affirmative votes shall be required for final action in any matter acted upon by the Board. The Board is hereby authorized to make all necessary rules for exercise of its powers and the performance of its duties as set out in Section 4.24.060 and Section 4.24.070 of the Lincoln Municipal Code and for securing cooperation from all officers and employees elected or appointed by the Board. (Ord. 17103 §3; December 2, 1996: prior Ord. 15434 §5; February 12, 1990: P.C. §2.55.050: Ord. 10081 §4; November 30, 1970).

4.24.060 Powers and Duties; Generally.

The Lincoln Electric System Administrative Board shall have general control of the Lincoln Electric System of the City of Lincoln including the responsibility for the control and management of the property, personnel, facilities, equipment, and finances of said Lincoln Electric System. The Board shall appoint a general manager or other chief executive officer who may hold such title as determined by the Board from time to time and such employees as may be necessary for the efficient and economical management of the said electric system and may provide that the general manager or other chief executive officer of the said electric system under the control of the Board may appoint such employees as may be required in the operation and management of the Lincoln Electric System, and may authorize the general manager or other chief executive officer to discharge for cause any person employed by the Lincoln Electric System. (Ord. 17103 §4; December 2, 1996: prior Ord. 15434 §6; February 12, 1990: P.C. §2.55.060: Ord. 10081 §5; November 30, 1970).

4.24.070 Powers and Duties; Specifically.

The Board shall:

(a) Fix the salaries and other employment benefits of all officers or employees of the Lincoln Electric System and establish a system governing the selection, promotion, and retention of the officers and employees of said system.

(b) Purchase and contract for all materials, parts, services, supplies, and equipment required by Lincoln Electric System; provided, however, the Board shall not enter into any contract for the purchase of a capital asset including a generating facility in whole or in part unless the City Council, by resolution, has previously approved the contract prior to formal execution by the Board, or unless the City Council has approved a previous budget without limitation which authorizes the spending of sufficient monies to satisfy the requirements of the proposed contract though not designated specifically.

(c) Deposit all sums of money received by the Lincoln Electric System in such separate funds and accounts as may be established by ordinance of the City or by resolution of the Board from time to time for money of the Lincoln Electric System. The Board or its designee shall:

(1) Credit each such fund or account in accordance with the requirements of each such ordinance or resolution in the amount, at the times, and for the purposes required by each such ordinance or resolution, and

(2) Make disbursements from the proper funds and accounts for the payment of obligations of the Lincoln Electric System in accordance with each such ordinance or resolution. The Mayor and Finance Director shall issue warrants pursuant to Article XI, § 28 of the Charter drawn upon such funds and accounts of the Lincoln Electric System for such amounts as are certified by the Board or personnel authorized by the Board.

(d) Do all other acts necessary to carry out the provisions of this ordinance save and except:

(1) The matter of establishing retail electric rates which authority shall be vested solely in the Lincoln City Council; and

(2) No contracts requiring the commitment of the City of Lincoln to the issuance of bonds, notes, or other forms of similar long-term borrowings shall be entered into by the Board unless such contract has previously been approved by the City Council, by resolution, prior to formal execution of said contract by the Lincoln Electric System Administrative Board.

(e) Possess the authority to provide such Telecommunications Service, as defined in Section 5.17.020 of this Code, as may be determined by the Board from time to time to be in the best interest of the City of Lincoln; to apply for and hold such permits, certificates, or other authorizations as may be required to lawfully provide such services; and to take any other action as may be necessary to effectuate the provisions of this section.

(f) Do and perform all other acts necessary to efficiently maintain and operate the Lincoln Electric System including the management of the property, personnel, facilities and finances of the Lincoln Electric System, except those otherwise limited by the provisions of the ordinance.

(g) No contract for the total operation and management of the Lincoln Electric System shall be entered into by the Board until it has received the approval of the City Council to so contract and to execute any and all documents necessary to effect such contracts. (Ord. 18138 §1; March 3, 2003: prior Ord. 18082 §1; October 28, 2002: Ord. 17103 §5; December 2, 1996: Ord. 15434 §7; February 12, 1990: P.C. §2.55.070: Ord. 11539 §2; December 22, 1975: Ord. 10081 §6; November 30, 1970).

4.24.080 Bond Requirements.

The Board may require bonds from any of its employees or officers. Such bonds shall be in the favor of the Lincoln Electric System Administrative Board and be filed with the Lincoln Electric System Administrative Board. (Ord. 15434 §8; February 12, 1990: P.C. §2.55.080: Ord. 10081 §7; November 30, 1970).

4.24.090 Budget; Expenditures.

Effective January 1, 1981, the fiscal and budget year for the Lincoln Electric System shall begin on the first day of January of each year and shall end on the last day of December of that year. The Board shall prepare annually a proposed budget for the operation of the Lincoln Electric System. The annual budget shall be a complete financial plan for the ensuing budget year and shall consist of an operating budget and a capital budget. Not later than forty days prior to the beginning of the fiscal and budget year, the Board shall submit its proposed budget to the Council for its consideration and action. Upon submission, the budget shall become a public record and shall be open to inspection. The Council shall determine the time and place at which it will hold a public hearing on the proposed budget. The date for the public hearing shall be scheduled for not later than ten days prior to the budget adoption date. The Council shall have full power at any time prior to the adoption of the budget to revise revenue estimates and

to increase or decrease the proposed appropriation. Not later than five days prior to the end of the LES fiscal and budget year, the Council shall, by a vote of four of its members, adopt a budget by resolution and thereby authorize an appropriation for the ensuing budget year. Should the Council fail to adopt a Lincoln Electric System budget on or before the prescribed budget adoption date, the budget proposed by the LES Administrative Board shall be deemed to have been adopted by the Council and shall become the basis of expenditure during the ensuing budget year. All monies received and set apart for the operation and maintenance of the Lincoln Electric System, and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in its operation and maintenance account and paid out upon the order of those persons designated by the Lincoln Electric System Administrative Board. The Board of the Lincoln Electric System shall have the control over the expenditure of all funds budgeted for the Lincoln Electric System. (Ord. 17103 §6; December 2, 1996; prior Ord. 15434 §9; February 12, 1990; P.C. §2.55.090; Ord. 12887 §1; March 31, 1980; Ord. 10081 §8; November 30, 1970).

4.24.100 Submission of Capital Budget to City.

The Board shall also submit a capital budget to the city in conformance with the time schedule established for the city's capital budget as a whole pursuant to the City of Lincoln Charter, Article IX-B §7. (Ord. 15434 §10; February 12, 1990; P.C. §2.55.091; Ord. 12887 §2; March 31, 1980).

4.24.110 Buildings, Properties, Systems, and Repairs.

The Board shall have complete charge of the buildings and all systems of the Lincoln Electric System and all repairs thereon and improvements on such buildings and ground or other properties connected therewith or used by the Lincoln Electric System. All such contracts shall be obtained and executed in accordance with the provisions of the Charter of the City of Lincoln. (Ord. 15434 §11; February 12, 1990; P.C. §2.55.100; Ord. 10081 §9; November 30, 1970).